

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7, 15-45, 58-72, 74-75, and 77-78 are currently pending.

Claims 1, 15, 22, 34, 58 and 70 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-7, 15-45, and 58-72 were rejected under 35 U.S.C. §103 as allegedly unpatentable over

1. U.S. Pat. No. 7,154,534 to Seki et al. ("Seki") in view of
2. U.S. Pat. App. Publ. No. 2001/0040592 of Foreman et al. ("Foreman") in view of
3. U.S. Pat. No. 5,889,916 to Kimura et al. ("Kimura") in view of
4. U.S. Pat. App. Publ. No. 2003/0147629 of Kikuchi et al. ("Kikuchi") et al. in view of
5. U.S. Pat. No. 6,606,117 to Windle; and

Claims 74, 75, 77, and 78 were rejected under 35 U.S.C. §103 as allegedly unpatentable over

1. Seki,
2. Forman,
3. Kimura,
4. Kikuchi,
5. Windle and further in view of
6. U.S. Patent No. 6,546,187 to Miyazaki et al. ("Miyazaki").

Applicant respectfully traverses these rejections.

Independent claim 1 is representative and recites, *inter alia*:

"providing for recording video image data on a CD-format disk for each of a plurality of takes of a particular scene, said CD-format disk having a file allocation table;

...
selecting on the video display one of the displayed plurality of takes for the particular scene;

...
wherein the file allocation table is updated based upon the selected take to manage a playback sequence of the takes and to record an IN and OUT point of each take" (emphasis added)

Applicants preserve their prior arguments for purposes of Appeal and add the following arguments in view of the amended claims.

In the invention as claimed in claim 1, a video recording template provides for taking of video data. The template includes multiple scenes for the recording of image data on a CD-format disk having a file allocation table [Publ. App. par. [0102].

The system allows for taking of multiple takes for each scene in the template. That is, images from multiple takes of a particular scene are recorded. The multiple takes are displayed

and one of the takes for the particular scene is selected on the video display [Publ. App. par. [0320]. As illustrated in FIG. 19, scene #4 is selected and shot, and take 1 and take 2 of video image data SC#4(R) are recorded. When take 2 is selected and confirmed, the playback sequence is now managed in the following order: SC#1(P), SC#2(P), SC#3(P), SC#4(R) take 2, and SC#5(P).

First, the sequencing of the takes for each scene is managed by altering the file allocation table (FAT) of the CD-format disk. For example, in step F201, scene #2 is selected on the scene selection screen. In step F204, scene #2 is shot. In step F206, take 1 of video image data SC#2(R) is confirmed. In such a case, in step F207, FAT is updated, and take 1 of the video image data SC#2(R) is registered in the playback sequence. Specifically, the playback sequence is now managed in the following order: SC#1(P), SC#2(R) take 1, SC#3(P), SC#4(R) take 2, and SC#5(P). (Publ. App. par [0328], and elsewhere)

Second, the marked IN and OUT points of each scene are recorded in FAT. For example, the marked IN and OUT points of take 1 of the video image data SC#2(R) are registered in the FAT as the start address and the end address of a file containing take 1 of the video image data SC#2(R).

The Office Action, at page 10 onto page 11, points to Kikuchi pars. [0611] and [0618] for disclosing the claim 1 feature, "sequencing of the takes for each scene are managed by altering the file allocation table (FAT) of the CD-format disk."

Applicants contend this is an overbroad reading of Kikuchi. The file allocation table (FAT) is a term-of-art well understood by those of skill in the art. Applicants appreciate that a CD-format disk has a FAT. Also, the FAT is used to locate contents on the disk. Indeed, as understood by Applicants, this is precisely what is being done on Kikuchi.

However, the claimed element is, “the file allocation table is updated based upon the selected take to manage a playback sequence of the takes and to record an IN and OUT point of each take.”

First, claim 1 recites, “the file allocation table is updated . . . to record an IN and OUT point of each take.” Applicants appreciate that a FAT includes a pointer to the location of a file on the disk. Applicants also recognize that IN and OUT points are well-known features associated with video contents. However, it is a feature of claim 1 that the IN and OUT points are recorded in the FAT. There is no discussion of the IN and OUT points in Kikuchi. But, more significantly, IN and OUT points are normally recorded with the video contents themselves or, more to the point, not in the FAT. That is, while IN and OUT points may be known, recording those points in the FAT (which manages the sequencing) is not known.

Second, as previously argued, the present application claims altering the FAT when the sequence of scenes is altered. There is no suggestion such is the case, nor is it inherent, in Kikuchi that the FAT must be altered when the sequence of scenes changes. That is, in Kikuchi, the scenes may be recorded on the disk and a calling program determines the order in which the scenes are called. Indeed, this is the most likely case.

In contrast, as claimed in claim 1, the FAT is altered when sequence of takes of a scene changes. That is, as discussed above, when a new take replaces a preceding take in a scene sequence, the new take replaces the preceding take in the FAT. That is, the FAT now points to the place on the disk where the new take is rather than where the preceding take is.

Neither Miyazaki, Seki, Foreman, Kimura nor Windle adds the element missing from Kikuchi.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 15, 22, 34, 58 and 70 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-7, 15-45, 58-72, 74-75, and 77-78 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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